

REMARKS

Claims 1-164 are all the claims pending in the application. Claims 14-70 have been withdrawn from the application as being drawn to a non-elected invention. By this Amendment, Applicant amends claims 1-8, 10-13, 71-89, 113, 126, 130, 131, and 140. In addition, Applicant cancels claims 14-70, without prejudice or disclaimer. Finally, by this Amendment, Applicant adds claims 152-164.

I. Preliminary Matters

As a preliminary matter, the Examiner's initialing of the references listed on Form PTO/SB/08 A & B submitted with the Information Disclosure Statement filed on January 18, 2002, is gratefully noted.

The Examiner failed to indicate acceptance of the drawings. Applicant respectfully requests the Examiner to indicate acceptance of the Drawings in the next Office Communication.

II. Summary of the Office Action

The Examiner objected to claims 1-13 because of minor typographical error. In addition, the Examiner rejected claims 71-139 under 35 U.S.C. § 112, first paragraph and claims 72, 126, 103-139 under 35 U.S.C. § 112, second paragraph. Claims 1-13, 71, 74-79, 82-88, 113, 115, 117-119, 122, 124-129, and 140-151 are rejected under 35 U.S.C. § 101. Finally, claims 71-151 are rejected under 35 U.S.C. § 102(e) and claims 1-13 under 35 U.S.C. § 103(a).

III. Statement of Substance of the Interview

Applicant thanks the Examiner for the courteous in person interviews on July 1, 2005. An Examiner's Interview Summary Record (PTO-413) was given to the Applicant's

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/031,405
Attorney Docket No.: A7736

Representative after the Interview. The PTO-413 requires the Applicant to file a Statement of Substance of the Interview. The Statement of Substance of the Interview is as follows:

During the interview independent claims 1, 71, and 140 were discussed in view of Walker. The Examiner further clarified his position with respect to the format of the claims. The Examiner suggested that Applicant further amend the claims to overcome the § 101 rejections. Accordingly, the claims have been amended to overcome the § 101 rejections. With respect to Walker, the Examiner indicated that he will further consider the amended set of claims.

IV. Claim Objections

The Examiner objected to claims 1-13 because of a minor error in claim 1. Applicant thanks the Examiner for pointing out with particularity aspects of the claim thought to be indefinite. Applicant has revised claim 1, and respectfully submits that the claims as now presented no longer include the potential informality mentioned by the Examiner. Applicant therefore respectfully requests the Examiner to withdraw the objection to the claims.

V. Claim Rejections under 35 U.S.C. § 112, first paragraph

Claims 71-139 are rejected under 35 U.S.C. § 112, first paragraph. In particular, the Examiner alleges that independent claims 71, 89, 113, and 130 omit essential structural elements (see page 2 of the Office Action). Applicant has revised claims 71, 89, 113, and 130, and respectfully submits that the claims now recite all of the essential structural elements. In view thereof, Applicant respectfully requests the Examiner to withdraw this rejection of claims 71-139.

VI. Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 72, 126, 130-139 are rejected under 35 U.S.C. § 112, second paragraph. The Examiner's pointing out, with particularity, the aspects of the claims thought to be indefinite, is gratefully noted. It is appropriate and necessary for the Examiner to withdraw this rejection in view of the self-explanatory claim amendments being made herein.

With respect to claim 130, however, Applicant respectfully submits that the body of the claim is directed to a user interface as well. That is, the Examiner rejected claim 130 under 35 U.S.C. § 112, second paragraph, alleging that the preamble of the claim does not correspond to the body of the claim in that the preamble is directed to an interface system and the body to description of information (see page 3 of the Office Action). Applicant respectfully submits, however, that the body of the claim is directed to objects that comprise the user interface and not to a simple description of information. In view thereof, Applicant respectfully requests the Examiner to withdraw this rejection.

VII. Claim Rejections 35 U.S.C. § 101

Claims 1-13, 71, 74-79, 82-88, 113, 115, 117-119, 122, 124-129, and 140-151 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to a non-statutory subject matter. Applicant respectfully traverses this rejection in view of the following comments.

With respect to claims 1-13, 71, 74-79, 82-88, and 140-151, the Examiner reasons that the claims lack any physical transformation of a physical subject matter, tangible or intangible. Independent claims 1, 71, and 140 have been amended to recite that the method is computer-implemented and to further recite a server or a processor. That is, both the server and the

processor are part of the “technological arts” within the meaning of MPEP § 2106. Moreover, in the claims, the device (the server or the processor) is used for generating, calculating and/or updating, all of which are physical transformations of data and which constitute a non-trivial use of a computer within the meaning of the MPEP § 2106.

Accordingly, Applicant respectfully submits that claims 1-13, 71, 74-79, 82-88, and 140-151 are directed to a statutory subject matter (MPEP § 2106). Therefore, it is appropriate and necessary for the Examiner to withdraw this rejection of claims 1-13, 71, 74-79, 82-88, and 140-151.

Next, with respect to claim 113, it now recites a processor and a memory which yields a concrete, tangible, and useful result that has a practical application (generating a customized travel package). Accordingly, claim 113 is clearly directed to a statutory subject matter. In view thereof, Applicant respectfully submits that claims 113, 115, 117-119, 122, and 124-129 are patentable. Therefore, it is appropriate and necessary for the Examiner to withdraw this rejection of claims 113, 115, 117-119, 122, and 124-129.

VIII. Claim Rejections under 35 U.S.C. § 102(e)

Claims 71-151 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,553,346 to Walker et al. (hereinafter “Walker”). Applicant respectfully traverses in view of the following comments. Of the rejected claims only claims 71, 89, 113, 130, and 140 are independent. This response at least initially focuses on these independent claims.

For example, claim 71, among a number of unique features, recites: “selecting by the client various suboptions from at least two of the plurality of options; receiving by the server

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Appln. No. 10/031,405

Attorney Docket No.: A7736

from the client computer the selected various suboptions; and creating by the server the customized travel package comprising a plurality of destinations corresponding to said components, in an itinerary having a single price; and receiving the created customized travel package by the client computer from the server for displaying the customized travel package to the client.” Applicant respectfully submits that the terms “options” and “suboptions” were defined in the specification in accordance with MPEP § 608.01(o) (“[a] term used in the claims may be given a special meaning in the description.”), *also see In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994).

The Examiner turned to MPEP § 2106, Section II(C) alleging that the subject matter does not limit the claim to a particular structure (*see* page 8 of the Office Action). To expedite the prosecution in the above-identified application, claim 71 has been amended to recite “a computer-implemented method.” In view thereof, claim 71 is structural in that it recites operations of the method, MPEP § 2106. Hence, it is appropriate and necessary for the Examiner to now consider the unique features set forth in claim 71.

For example, in the exemplary, non-limiting embodiment of the present invention, it is taught that in response to user input various options having a number of suboptions are generated, and the user can choose various suboptions from these options to customize a travel package. That is, in the conventional techniques, the user may choose from a number of packages or may need to reserve each component of the package separately. In the conventional techniques, there is no teaching or suggestion of having the client select “various suboptions from at least two of the plurality of options” to create “the customized travel package comprising

a plurality of destinations corresponding to said components, in an itinerary having a single price.”

That is, the conventional techniques fail to teach or suggest having a user select a package with components such as an airline ticket and a hotel reservation, and in return, obtain a number of various options *e.g.*, packages (airline tickets and various hotel reservations), where the user can pick and choose various options (airline tickets and hotel reservations) to obtain a final option (a customized package). It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims recited above.

Walker is no different from the conventional techniques described above. In general, Walker teaches a conditional purchase offer (CPO) management system (which from the user perspective, is commonly known as “priceline.com”) for receiving and processing CPOs from one or more buyers of packages of component goods or services. The package CPO management system deconstructs an overall package CPO into component CPOs which are individually offered to various sellers. That is, the package CPO management system may filter the component CPOs provided to the various sellers, based, for example, on the industry associated with the component CPO, so that individual sellers only obtain component CPOs of interest. The package CPO management system determines whether one or more sellers are willing to accept each of the individual components of a given package CPO. If each component CPO of a given package CPO is accepted, the package CPO management system binds the

buyer, on behalf of each of the accepting sellers, to purchase the entire package. If each component is successfully accepted, the package CPO management system binds the buyer, on behalf of each of the accepting sellers, to purchase the entire package (col. 3, line 11 to col. 4, line 37). That is, in Walker, each individual component must be approved by the respective sellers.

The client, however, lacks any flexibility over individual components. In other words, the entire package has to be approved; the client is not presented with a partial package. Until the entire package is approved by various sellers, the package is not provided to the client. That is, in Walker, there is no teaching or suggestion of the client having any flexibility over the individual components.

In short, “selecting by the client various suboptions from at least two of the plurality of options; receiving by the server from the client computer the selected various suboptions; and creating by the server the customized travel package comprising a plurality of destinations corresponding to said components, in an itinerary having a single price; and receiving the created customized travel package by the client computer from the server for displaying the customized travel package to the client,” is not disclosed by Walker, which lacks providing the buyer with plurality of options and having the buyer select various suboptions from the plurality of the displayed options to create a customized package. In Walker, the user cannot choose from the plurality of option to compose a customized package. For at least these exemplary reasons, Applicant respectfully submits that claim 71 is patentably distinguishable from (and patentable over) Walker. Therefore, Applicant respectfully requests the Examiner to withdraw this

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/031,405
Attorney Docket No.: A7736

rejection of claim 71. Claims 72-88 are patentable at least by virtue of their dependency on claim 71.

Independent claims 89, 113, and 130 recite features similar to the features argued above with respect to claim 1. For at least analogous exemplary reasons, claims 89, 113, and 130 are patentably distinguishable from (and patentable over) Walker. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claims 89, 113, and 130 and their dependent claims 90-112, 114-129, and 131-139.

Finally, independent claim 140 recites “directly accessing a data storage medium having said inventory information... a processor updating inventory information in said storage medium in response to said one of said plurality of update options, wherein a third party can access said data storage medium by a client system.” Applicant respectfully submits that Walker fails to teach or suggest at least the unique features recited above.

For example, in the exemplary, non-limiting embodiment of the present invention, for the system to work smoothly, each vendor needs a direct access to a central server so that they can adjust the inventory levels in real-time. In Walker, however, similar to the conventional techniques, the inventory is in a number of storage areas at various locations. That is, in Walker, the storage area is seller specific (col. 5, lines 41 to 64) and the sellers only update their database and respond to the CPO management system’s inquiries. The sellers, however, do not directly access a central server to update the inventory.

Therefore, “directly accessing a data storage medium having said inventory information... a processor updating inventory information in said storage medium in response to

said one of said plurality of update options, wherein a third party can access said data storage medium by a client system,” as set forth in claim 140 is not suggested or taught by Walker, which lacks having the sellers directly access data storage medium to update inventory. For at least these exemplary reasons, Applicant respectfully submits that claim 140 is patentably distinguishable from (and patentable over) Walker. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claim 140. Claims 141-151 are patentable at least by virtue of their dependency.

IX. Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of U.S. Patent No. 5,948,040 to DeLorme et al. (hereinafter “DeLorme”). Applicant respectfully traverses in view of the following comments.

Of these rejected claims, only claim 1 is independent. Claim 1, among a number of unique features, recites: “receiving by said client computer from said server the calculated plurality of options; creating by the client a final option based on selecting at least two suboptions from at least two of the received plurality of options and requesting by the client a reservation of the created final option.” These unique features are somewhat similar to the features argued above with respect to claim 71. Therefore, analogous, exemplary arguments with respect to Walker apply with equal force herein. Therefore, Applicant respectfully submits that Walker does not teach or suggest the unique features recited in the independent claim 1.

DeLorme is being cited only for its teaching of a confirmation (see page 13 of the Office Action). Clearly, DeLorme does not cure the deficient teachings of Walker. Moreover,

DeLorme only deals with road Trips. Finally, DeLorme, just like in the conventional techniques, discloses that the user has to purchase each component separately *e.g.*, reservation of an airline ticket would be separate from the reservation of a hotel room (col. 14, lines 22 to 47). That is, in DeLorme, the user cannot input information for a number of travel products and have the system generate a number of options for each travel product. In DeLorme, the user has to reserve each product separately and independently from the other travel packets.

Therefore, “receiving by said client computer from said server the calculated plurality of options; creating by the client a final option based on selecting at least two suboptions from at least two of the received plurality of options and requesting by the client a reservation of the created final option,” as set forth in claim 1 is not taught or suggested by the combined teachings of Walker and DeLorme, which lack having the user select a final option from a number of options, where each option corresponds to the value of one component. Accordingly, claim 1 is patentable over the combined teaching of Walker and DeLorme, taken alone or in any conceivable combination. Claims 2-13 are patentable at least by virtue of their dependency. In summary, Applicant respectfully requests the Examiner to withdraw this rejection of claims 1-13.

X. New Claims

In addition, in order to provide more varied protection, Applicant adds claims 152-164.

XI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No. 10/031,405
Attorney Docket No.: A7736

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 11, 2005

Respectfully submitted,



Nataliya Dvorson
Registration No. 56,616

Attorney Docket No.: A7736